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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Paul Marie Gavarini
Appl. No.	:	09/607,841
Filed	:	June 30, 2000
For	:	SYSTEM AND METHODS FOR BROWSING A DATABASE OF ITEMS AND CONDUCTING ASSOCIATED TRANSACTIONS
Examiner	:	Cuong H. Nguyen
Group Art Unit	:	3661

APPEAL BRIEF

United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Appellant, Applicant in the above-captioned patent application, appeals the final rejection of Claims 15-22 and 24-37 set forth in the Final Office Action mailed on October 22, 2004. A check for the filing fee is enclosed. Please charge any additional fees that may be required now or in the future to Deposit Account No. 11-1410.

I. REAL PARTY IN INTEREST

The real party in interest in the present application is Amazon Technologies, Inc., which is the assignee of record of the present application.

II. RELATED APPEALS AND INTERFERENCES

No related appeals or interferences are pending.

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III. STATUS OF CLAIMS

Claims 15-22 and 24-37 are currently pending in the application, and are attached hereto as an appendix. All of these claims were finally rejected by the Examiner and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendment was filed subsequent to the final rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application includes three independent claims. Each independent claim is paraphrased below, with citations to correspond portions of the specification and drawings as required by 37 C.F.R. § 41.37(c)(1)(v). These citations are provided in order to illustrate specific examples and embodiments of the recited claim language, and not to limit the claims.

Claim 15 is directed to a method of facilitating browsing of a database of items. Specific embodiments of this method are described at the following locations in the originally-filed specification: page 3, lines 1-13; page 13, line 10 to page 16, line 4; and page 21, line 10 to page 22, line 2. The method comprises receiving a search query from a user, and executing the search query to generate a search results list of items within the database that match the search query (see Figure 15, in which the search query "1955" is entered into a search field 176; and Figure 27, blocks 268 and 270). The method additionally comprises presenting to the user a first web page (Figure 16) that displays at least a portion of the search results list (180 in Figure 16) together with an option to save the search query for subsequent use (182 and 184 in Figure 16). In response to election of said option by the user, the search query is stored in association with a category name specified by the user (see Figure 27, blocks 274-288). The method further comprises presenting to the user a second web page (Figure 17) that provides an option for the user to select the category name (188 in Figure 17) to view an updated list of items within the database that match the search query (Figure 18; and Figure 27, block 290). The search query and category name serve as a user-defined category that may be selected by the user over time to browse the database.

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Claim 24 is directed to a system for facilitating browsing of an electronic catalog. Specific embodiments of the claimed system are described in the specification in the same locations as identified above, namely page 3, lines 1-13; page 13, line 10 to page 16, line 4; and page 21, line 10 to page 22, line 2. The system comprises a database (Figure 2, element 84) which contains an electronic catalog of items, and a server system (Figure 2, elements 78, 80, and 51) coupled to the database. The server system provides a user interface (see, e.g., Figures 17 and 18) for browsing the electronic catalog over a computer network, and includes functionality for users to at least (1) formulate and submit search queries for searching the electronic catalog (Figure 15; Figure 27, blocks 268-274), (2) assign category names to individual search queries (Figure 16; Figure 27, blocks 276-286), and (3) save the search queries and associated category names on the server system for subsequent use as user-defined categories that are selectable via the user interface to browse the electronic catalog of items (Figures 16 and 17; and Figure 27, blocks 282-290). The server system presents to a user that has created one or more user-defined categories a web page (Figure 17) that lists the one or more user-defined categories such that each such category may be selected to view a corresponding set of catalog items (Figure 18).

Claim 32 is directed to a computer-implemented method of facilitating browsing of an electronic repository of items (repository shown in Figure 2 as element 84). Specific embodiments of this method are described primarily at page 22, line 3 to page 23, line 4 of the originally filed specification. The method comprises maintaining a history (Figure 27A, element 284) of search queries submitted by a user to search the electronic repository of items; analyzing the history of search queries to identify a search query that has been submitted multiple times by the user (Figure 27A; element 292); and in response to identifying the search query, creating for the user, or providing to the user an option to create, a persistent link that is selectable by the user to view a current set of items within the repository that match the search query (Figure 27A, elements 294, 296 and 288; and Figures 17 and 18).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The sole ground for rejection to be reviewed on appeal is the ground for the rejection of Claims 15-22 and 24-37, namely obviousness under 35 U.S.C. § 103(a) over Bowman et al.

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(U.S. Patent 6,169,986) in view of Fisher (U.S. Patent 6,331,858), and further in view of Official Notice.

Because the Examiner informally relied on two additional references, U.S. Patent No. 5,870,717 to Wiecha and U.S. Patent 6,055,573 to Gardenswartz et al. (see Final Office Action at section 3, beginning on page 1), Appellant will address these additional references in its remarks.

VII. ARGUMENT

1. Rejection of Claims 15-22 and 24-37 over Bowman, Fisher and Official Notice.

For the reasons set forth below, Appellant submits that the obviousness rejection of Claims 15-22 and 24-37 is improper.

As a preliminary matter, Appellant will address the Examiner's continued reliance on Official Notice to reject the pending claims. In the first Office Action (mailed on July 17, 2003), the Examiner apparently took Official Notice that, prior to Appellant's priority date, Microsoft Windows included features for storing a search query defined by a user, and for using this stored search query to browse a catalog of a web site, such as the amazon.com web site. See first Office Action at page 4, lines 6-11. In addition, the Examiner took Official Notice regarding the operation of the USPTO's APS system. Appellant seasonably challenged these "Official Notice" assertions by including the following statement in its response to the first Office Action:

"In the Office Action, the Examiner took Official Notice that the MS Windows operating system and the USPTO's APS system included, prior to Applicant's priority date, certain features that are related to Applicant's claims. Applicant respectfully challenges these assertions, and requests that the Examiner provide documentary support for these assertions, to the extent the Examiner's position is that Windows or APS included specific functionality for either saving search queries for re-use, or for analyzing a user's history of search queries." (Amendment dated January 19, 2004 at page 12, under the heading "Official Notice," emphasis added.)

In the Final Office Action, the Examiner continues to take Official Notice that Microsoft Windows included features for saving search queries for re-use. (The Examiner no longer takes Official Notice regarding the operation of the USPTO's APS system.). The Examiner does not, however, provide any documentary support for this continued assertion. Thus, for purposes of

this Appeal Brief, Appellant will assume the Examiner does not take the position that Microsoft Windows included specific functionality for saving search queries for re-use. Rather, Appellant will assume the Examiner's position is that the general-purpose file storage features of Microsoft Windows could potentially have been used, prior to Appellant's priority date, to manually create a file containing a search query, and to save this file to local hard disk storage under a desired category name. See MPEP 2144.03, subsection C ("If Applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained.").

In the discussion below, Bowman et al., Fisher, and Microsoft Windows are referred to collectively as the "applied references."

Independent Claim 15

As set forth below, the rejection of Claim 15 is improper both (a) because the applied references do not disclose or suggest all of the limitations of Claim 15, and (b) because the Examiner has not identified a suggestion or motivation, in the prior art, to combine the teachings of the applied references. The claim is reproduced below, with reference characters added for purposes of discussion.

15. A method for facilitating browsing of a database of items, the method comprising:

- (a) receiving a search query from a user;
- (b) executing the search query to generate a search results list of items within the database that match the search query;
- (c) presenting to the user a first web page that displays at least a portion of the search results list together with an option to save the search query for subsequent use;
- (d) in response to election of said option by the user to save the search query, storing the search query in association with a category name specified by the user; and
- (e) presenting to the user a second web page that provides an option for the user to select the category name to view an updated list of items within the database that match the search query;
- (f) whereby the search query and category name serve as a user-defined category that may be selected by the user over time to browse the database.

(a) The applied references do not disclose or suggest all of the limitations of Claim 15.

In rejecting Claim 15, the Examiner relies on Bowman et al., which discloses a web-based search engine for searching an electronic catalog of an online merchant. As observed by the Examiner, Bowman et al. discloses the limitations of subparagraphs (a) and (b). Bowman et al. also discloses the presentation of a search results web page (Figure 9), and thus discloses the following limitations of subparagraph (c): "presenting to the user a first web page that displays at least a portion of the search results list." Bowman et al.'s search results page does not, however, include "an option to save the search query for subsequent use," and thus does not disclose or suggest all of the limitations of subparagraph (c). In addition, Bowman et al. does not disclose or suggest the limitations of subparagraphs (d)-(f).

In connection with these "deficiencies" in Bowman et al., the Examiner relies in-part on Official Notice, apparently taking the position that a user of Bowman et al.'s search engine could have used Microsoft Windows to save a search query under a desired category name. The Examiner does not elaborate on how a user would have done this. Presumably, the Examiner's view is that a user could have done this by either re-typing or cutting-and-pasting the search query into a document created using a text editing program included with Microsoft Windows, and then storing this document on his or her hard drive under a specified category name.

Even if a user of Bowman et al.'s search engine were to save a search query in this manner, however, some of the limitations of subparagraphs (c) and (d) still would not be met. Specifically, with respect to subparagraph (c), the user in this scenario would not be presented with a web page that displays "at least a portion of the search results list *together with an option to save the search query for subsequent use.*" In addition, with respect to subparagraph (d), the limitations "in response to election of said option by the user" would not be met. The Examiner does not acknowledge these deficiencies in the proposed combination of Bowman et al. and Microsoft Windows.

Further, if a user of Bowman et al.'s search engine were to save a search query using Microsoft Windows, the limitations of subparagraph (e) would not be met. The Examiner appears to acknowledge this deficiency, but apparently takes the position that these limitations are suggested by Fisher. To the extent this may be the Examiner's position, Appellant

respectfully disagrees. Fisher discloses a user interface (Figure 3) that includes two frames, each of which displays a respective web page. The left-hand frame displays fabric samples, or other types of finishes, that are available for specific physical objects, such as pieces of furniture. The right-hand frame displays a domestic interior, including a set of physical objects to which the fabrics or finishes can be applied. When the user selects a particular fabric in the left-hand frame, the right-hand frame is updated to show how the corresponding physical object will look with this fabric.

Even if read in the context of the Examiner's asserted combination of Bowman et al. and Microsoft Windows, nothing in Fisher suggests "presenting to the user a second web page that provides an option for the user to select the category name to view an updated list of items within the database that match the search query," as recited in subparagraph (e) of Claim 15. Thus, even if the teachings of Fisher were somehow incorporated into Bowman et al.'s search engine, and/or the operating system of the PC used to access that search engine, the limitations of subparagraph (e) still would not be met.

In view of the foregoing, the rejection of Claim 15 is improper because, among other reasons, the applied references do not disclose or suggest all of the limitations of the claim. See MPEP § 2143.03 (in order to establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art). For example, the applied references do not disclose or suggest "presenting to the user a first web page that displays at least a portion of the search results list together with an option to save the search query for subsequent use" as recited in subparagraph (c), and do not disclose the limitations of subparagraph (e).

Finally, to the extent the Examiner may be relying on U.S. Patent No. 5,870,717 Wiecha to reject Claim 15 (see Final Office Action at section 3, first paragraph, in which the Examiner informally relies on this reference), Appellant respectfully submits that Wiecha similarly fails to disclose or suggest at least subparagraphs (c) and (e) of Claim 15. Thus, even if Wiecha were somehow combined with the applied references, the resulting combination still would not disclose or suggest all of the limitations of Claim 15.

(b) The Examiner has not identified a motivation or suggestion to combine the applied references.

The rejection of Claim 15 is also improper because the Examiner has not identified a suggestion or motivation in the prior art to combine the applied references. When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references. In re Rouffet, 149 F.3d 1350, 1355, 47 USPQ2d 1453, 1456 (Fed. Cir. 1998). The teaching or suggestion must be found in the prior art, not in applicant's disclosure. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

With respect to Microsoft Windows, the Examiner asserts that a user of Bowman et al.'s search engine could have used Microsoft Windows to save a submitted search query under a desired category name. The Examiner does not, however, cite any evidence that one skilled in the art would have considered using Microsoft Windows in this manner. Indeed, given the number of steps that would be involved—namely manually creating and storing a file that contains a search query, locating and opening the file when the search query is to be reused, and then cutting-and-pasting or retyping the search query into a search page—one skilled in the art likely would not have considered using Microsoft Windows in this manner.

With respect to Fisher, the Examiner asserts that the combination of Fisher and Bowman et al. would make the search process more organized and time-saving in looking for specific ordering/searching items. The Examiner does not, however, identify a prior art source for this assertion. Thus, even if true, the Examiner's assertion does not identify a suggestion or motivation in the prior art to combine the teachings of Fisher and Bowman et al.

In summary, because the applied references fail to disclose or suggest all of the limitations of Claim 15, and because the Examiner has not identified a motivation or suggestion to combine the applied references, the rejection of Claim 15 is improper.

Dependent Claim 16

Claim 16 depends from Claim 15, and is therefore patentable over the applied references for the reasons set forth above for Claim 15. In addition, Claim 16 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 16, namely “wherein the second web page displays, in conjunction with the category name specified by the user, a numerical value indicating a number of items falling within the user-

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defined category.” The Examiner does not address the limitations of Claim 16 in the Final Office Action.

Dependent Claim 17

Claim 17 depends from Claim 16, and is therefore patentable over the applied references for the reasons set forth above for both Claim 15 and Claim 16. In addition, Claim 17 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 17, namely “wherein the numerical value is generated by re-executing the search query when the user requests the second web page, such that the numerical value accurately reflects a current state of the database.” The Examiner does not address the limitations of Claim 17 in the Final Office Action.

Dependent Claim 18

Claim 18 depends from Claim 15, and is therefore patentable over the applied references for the reasons set forth above for Claim 15. In addition, Claim 18 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 18, namely “wherein the user-defined category is maintained private to the user, and is listed on the second web page together with one or more public categories that are selectable by the user, whereby the user can select between the private and public categories to browse the database.” The Examiner does not address the limitations of Claim 18 in the Final Office Action.

Dependent Claim 19

Claim 19 depends from Claim 15, and is therefore patentable over the applied references for the reasons set forth above for Claim 15. In addition, Claim 19 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 19, namely “wherein the user-defined category is a user-defined product category that is private to the user, and is displayed on the second web page together with one or more public, merchant-defined product categories, wherein each user-defined and merchant-defined product category is displayed on the second web page as a respective hyperlink that is selectable by the user to view a corresponding set of products represented in the database.” The Examiner does not address the limitations of Claim 19 in the Final Office Action.

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Dependent Claim 20

Claim 20 depends from Claim 15, and is therefore patentable over the applied references for the reasons set forth above for Claim 15. In addition, Claim 20 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 20, namely “wherein the category name is displayed on the second web page as a hyperlink that, when selected, causes a set of items falling within the user-defined category to be displayed.” The Examiner does not address the limitations of Claim 20 in the Final Office Action.

Dependent Claim 21

Claim 21 depends from Claim 15, and is therefore patentable over the applied references for the reasons set forth above for Claim 15. In addition, Claim 21 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 21, namely “further comprising the computer-implemented steps of: comparing the search query to a history of search queries submitted by the user to identify substantially-identical query submissions; and using the substantially-identical query submissions to automatically generate or suggest a personalized category for the user.”

In the Final Office Action, the Examiner does not specify which, if any, of the applied references he is relying on in connection with these limitations. Instead, the Examiner appears to take the position that these limitations are disclosed or suggested by an additional reference, U.S. Patent 6,055,573 to Gardenswartz et al., that is not formally relied on in rejecting any claims. See Final Office Action at section 3, third paragraph. Gardenswartz et al. does not, however, disclose or suggest the limitations added by Claim 21. Thus, even if Gardenswartz et al. were somehow combined with the applied references, the invention defined by Claim 21 still would not be disclosed or suggested.

Dependent Claim 22

Claim 22 depends from Claim 21, and is therefore patentable over the applied references for the reasons set forth above for Claims 15 and 21. In addition, Claim 22 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 22, namely “further comprising providing to the user an option to accept, and assign a

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name to, the personalized category.” The Examiner does not address the limitations of Claim 22 in the Final Office Action.

Independent Claim 24

As set forth below, the rejection of independent Claim 24 is improper both because (a) the applied references do not disclose or suggest all of the limitations of the claim, and (b) the Examiner has not identified a suggestion or motivation, in the prior art, to combine the teachings of the applied references. The claim is reproduced below:

24. A system for facilitating browsing of an electronic catalog, the system comprising:

a database which contains an electronic catalog of items; and

a server system coupled to the database, the server system providing a user interface for browsing the electronic catalog over a computer network, the user interface including functionality for users to at least (1) formulate and submit search queries for searching the electronic catalog, (2) assign category names to individual search queries, and (3) save the search queries and associated category names on the server system for subsequent use as user-defined categories that are selectable via the user interface to browse the electronic catalog of items;

wherein the server system presents to a user that has created one or more user-defined categories a web page that lists the one or more user-defined categories such that each such category may be selected to view a corresponding set of catalog items.

(a) The applied references do not disclose or suggest all of the limitations of Claim 24.

The rejection of Claim 24 is improper because, among other reasons, the applied references do not disclose or suggest, in the context of the other limitation of the claim, a “server system” that provides “a user interface for browsing the electronic catalog over a computer network, the user interface including functionality for users to at least (1) formulate and submit search queries for searching the electronic catalog, (2) assign category names to individual search queries, and (3) save the search queries and associated category names on the server system for subsequent use as user-defined categories that are selectable via the user interface to browse the electronic catalog of items.”

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Even if a user of Bowman et al.'s search engine were to use Microsoft Windows to store a search query on his or her PC, as suggested by the Examiner, these limitations still would not be met. In such a scenario, the user interface used to store the search queries and associated category names would be provided by the user's PC, and not by "the server system" as required by Claim 24. In addition, the search queries and associated category names in such a scenario would be stored locally on the PC of the user, and not "on the server system" as required by Claim 24. Nothing in Fisher overcomes these deficiencies in the asserted combination of Bowman et al. and Microsoft Windows.

The rejection is also improper because the applied references fail to disclose or suggest the following limitations of Claim 24: "wherein the server system presents to a user that has created one or more user-defined categories a web page that lists the one or more user-defined categories such that each such category may be selected to view a corresponding set of catalog items." Nothing in Fisher, or the other applied references, suggests these limitations.

To the extent the Examiner may be relying on U.S. Patent No. 5,870,717 to Wiecha to reject Claim 24 (see Final Office Action as section 3, first paragraph, in which the Examiner informally relies on this reference), Appellant respectfully submits that Wiecha does not disclose or suggest the above-noted limitations of Claim 24. Thus, even if Wiecha were somehow combined with the applied references, the resulting combination still would not disclose or suggest all of the limitations of Claim 24.

(b) The Examiner has not identified a motivation or suggestion to combine the applied references.

Finally, the rejection of Claim 24 is improper because the Examiner has not identified a suggestion or motivation in the prior art to combine the applied references. As mentioned above, the Examiner has not cited any evidence that one skilled in the art would have considered using Microsoft Windows to store search queries with associated category names. In addition, as discussed above, the Examiner has not identified any suggestion or motivation in the prior art to combine Bowman et al. and Fisher.

For these reasons, the rejection of Claim 24 is improper and should be withdrawn.

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Dependent Claim 25

Claim 25 depends from Claim 24, and is therefore patentable over the applied references for the reasons set forth above for Claim 24. In addition, Claim 25 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 25, namely “wherein the web page additionally displays, for each of the user-defined categories, a numerical value indicating a current number of catalog items falling within the respective user-defined category.” The Examiner does not address the limitations of Claim 25 in the Final Office Action.

Dependent Claim 26

Claim 26 depends from Claim 25, and is therefore patentable over the applied references for the reasons set forth above for Claims 24 and 25. In addition, Claim 26 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 26, namely “wherein the server system generates each such numerical value by executing the corresponding search query when the user requests the web page.” The Examiner does not address these limitations in the Final Office Action.

Dependent Claim 27

Claim 27 depends from Claim 24, and stands or falls with Claim 24.

Dependent Claim 28

Claim 28 depends from Claim 24, and is therefore patentable over the applied references for the reasons set forth above for Claim 24. In addition, Claim 28 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 28, namely “wherein the server system maintains the user-defined categories created by a user private to that user, and displays the user-defined categories together with public categories that are also selectable to browse the electronic catalog.” The Examiner does not address these limitations in the Final Office Action.

Dependent Claim 29

Claim 29 depends from Claim 28, and is therefore patentable over the applied references for the reasons set forth above for Claims 24 and 28. In addition, Claim 29 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 29, namely “wherein the server system presents each user-defined category and each

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public category on the web page as a respective hyperlink that is selectable by the user to view corresponding catalog items.” The Examiner does not address these limitations in the Final Office Action.

Dependent Claim 30

Claim 30 depends from Claim 24, and is therefore patentable over the applied references for the reasons set forth above for Claim 24. In addition, Claim 30 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 30, namely “wherein the server system automatically compares queries submitted by the same user to identify query resubmission events, and uses the query resubmission events to automatically create and/or suggest categories for users.”

In the Final Office Action, the Examiner does not specify which, if any, of the applied references he is relying on in connection with these limitations. Instead, the Examiner appears to take the position that these limitations are disclosed or suggested by an additional reference, U.S. Patent 6,055,573 to Gardenswartz et al., that is not formally applied to any claims. See Final Office Action at section 3, third paragraph. Gardenswartz et al. does not, however, disclose or suggest the limitations added by Claim 30. Thus, even if Gardenswartz et al. were somehow combined with the applied references, the resulting combination still would not disclose or suggest all of the limitations of Claim 30

Dependent Claim 31

Claim 31 depends from Claim 24, and is therefore patentable over the applied references for the reasons set forth above for Claim 24. In addition, Claim 31 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 31, namely “wherein the user interface provides an option for a user to specify a display order for displaying a personal set of user-defined categories.” The Examiner does not address these limitations in the Final Office Action.

Independent Claim 32

Claim 32 reads as follows:

32. A computer-implemented method of facilitating browsing of an electronic repository of items, the method comprising:
maintaining a history of search queries submitted by a user to search the electronic repository of items;
analyzing the history of search queries to identify a search query that has been submitted multiple times by the user; and
in response to identifying the search query, creating for the user, or providing to the user an option to create, a persistent link that is selectable by the user to view a current set of items within the repository that match the search query.

(a) The applied references do not disclose or suggest all of the limitations of Claim 32.

The obviousness rejection of Claim 32 is improper because, among other reasons, the applied references do not disclose or suggest, within the context of the other claim limitations, “analyzing the history of search queries to identify a search query that has been submitted multiple times by the user.” The obviousness rejection of Claim 32 is also improper because the applied references do not disclose or suggest “in response to identifying the search query, creating for the user, or providing to the user an option to create, a persistent link that is selectable by the user to view a current set of items within the repository that match the search query.”

In the Final Office Action, the Examiner does not specify which, if any, of the applied references he is relying on in connection with the above-quoted limitations of Claim 32. Instead, the Examiner appears to take the position that these limitations are disclosed or suggested by Gardenswartz et al.—a reference that is not formally applied to any of the claims. See Final Office Action at section 3, third paragraph. Gardenswartz et al. does not, however, disclose or suggest “analyzing the history of search queries to identify a search query that has been submitted multiple times by the user,” or “in response to identifying the search query, creating for the user, or providing to the user an option to create, a persistent link that is selectable by the user to view a current set of items within the repository that match the search query.” Thus, even if

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Gardenswartz et al. were somehow combined with the applied references, the resulting combination still would not disclose or suggest all of the limitations of Claim 32

(b) The Examiner has not identified a motivation or suggestion to combine the applied references.

The rejection of Claim 32 is also improper because, as set forth above for Claim 15, the Examiner has not identified a motivation or suggestion in the prior art to combine Bowman et al., Fisher, and Microsoft Windows.

For these reasons, the rejection of Claim 32 is improper and should be withdrawn.

Dependent Claim 33

Claim 33 depends from Claim 32, and is therefore patentable over the applied references for the reasons set forth above for Claim 32. In addition, Claim 33 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 33, namely "prompting the user to assign a name to the search query, and displaying the name in conjunction with the persistent link." The Examiner does not address these limitations in the Final Office Action.

Dependent Claim 34

Claim 34 depends from Claim 32, and is therefore patentable over the applied references for the reasons set forth above for Claim 32. In addition, Claim 34 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 34, namely "displaying, in conjunction with the persistent link, a numerical value indicating a current number of items that match the search query." The Examiner does not address these limitations in the Final Office Action.

Dependent Claim 35

Claim 35 depends from Claim 32, and is therefore patentable over the applied references for the reasons set forth above for Claim 32. In addition, Claim 35 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 35, namely "wherein the step of analyzing the history of search queries comprises comparing search queries on a term-by-term basis to locate search queries that are substantially identical." The Examiner does not address these limitations in the Final Office Action.

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Dependent Claim 36

Claim 36 depends from Claim 32, and is therefore patentable over the applied references for the reasons set forth above for Claim 32. In addition, Claim 36 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 36, namely "including the persistent link within a personal categories page in which the persistent link serves as one of a plurality of item categories that are selectable to browse the electronic repository." The Examiner does not address these limitations in the Final Office Action.

Dependent Claim 37

Claim 37 depends from Claim 32, and is therefore patentable over the applied references for the reasons set forth above for Claim 32. In addition, Claim 37 is patentable over the applied references because the applied references do not disclose or suggest the limitations added by Claim 37, namely "wherein the persistent link is created for the user automatically in response to identifying the search query that has been submitted multiple times." The Examiner does not address these limitations in the Final Office Action.

VIII. CONCLUSION

For the reasons set forth above, the rejection of Claims 15-22 and 24-37 is improper and should be reversed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2-9-05

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CLAIMS APPENDIX

15. A method for facilitating browsing of a database of items, the method comprising:
- receiving a search query from a user;
 - executing the search query to generate a search results list of items within the database that match the search query;
 - presenting to the user a first web page that displays at least a portion of the search results list together with an option to save the search query for subsequent use;
 - in response to election of said option by the user to save the search query, storing the search query in association with a category name specified by the user; and
 - presenting to the user a second web page that provides an option for the user to select the category name to view an updated list of items within the database that match the search query;
- whereby the search query and category name serve as a user-defined category that may be selected by the user over time to browse the database.
16. The method of Claim 15, wherein the second web page displays, in conjunction with the category name specified by the user, a numerical value indicating a number of items falling within the user-defined category.
17. The method of Claim 16, wherein the numerical value is generated by re-executing the search query when the user requests the second web page, such that the numerical value accurately reflects a current state of the database.
18. The method of Claim 15, wherein the user-defined category is maintained private to the user, and is listed on the second web page together with one or more public categories that are selectable by the user, whereby the user can select between the private and public categories to browse the database.

19. The method of Claim 15, wherein the user-defined category is a user-defined product category that is private to the user, and is displayed on the second web page together with one or more public, merchant-defined product categories, wherein each user-defined and merchant-defined product category is displayed on the second web page as a respective hyperlink that is selectable by the user to view a corresponding set of products represented in the database.

20. The method of Claim 15, wherein the category name is displayed on the second web page as a hyperlink that, when selected, causes a set of items falling within the user-defined category to be displayed.

21. The method of Claim 15, further comprising the computer-implemented steps of:
comparing the search query to a history of search queries submitted by the user to identify substantially-identical query submissions; and
using the substantially-identical query submissions to automatically generate or suggest a personalized category for the user.

22. The method of Claim 21, further comprising providing to the user an option to accept, and assign a name to, the personalized category.

24. A system for facilitating browsing of an electronic catalog, the system comprising:
a database which contains an electronic catalog of items; and
a server system coupled to the database, the server system providing a user interface for browsing the electronic catalog over a computer network, the user interface including functionality for users to at least (1) formulate and submit search queries for searching the electronic catalog, (2) assign category names to individual search queries, and (3) save the search queries and associated category names on the server system for subsequent use as user-defined categories that are selectable via the user interface to browse the electronic catalog of items;

wherein the server system presents to a user that has created one or more user-defined categories a web page that lists the one or more user-defined categories such that each such category may be selected to view a corresponding set of catalog items.

25. The system of Claim 24, wherein the web page additionally displays, for each of the user-defined categories, a numerical value indicating a current number of catalog items falling within the respective user-defined category.

26. The system of Claim 25, wherein the server system generates each such numerical value by executing the corresponding search query when the user requests the web page.

27. The system of Claim 24, wherein the electronic catalog is an electronic catalog of products that are available for purchase, and the user-defined categories are user-defined product categories.

28. The system of Claim 24, wherein the server system maintains the user-defined categories created by a user private to that user, and displays the user-defined categories together with public categories that are also selectable to browse the electronic catalog.

29. The system of Claim 28, wherein the server system presents each user-defined category and each public category on the web page as a respective hyperlink that is selectable by the user to view corresponding catalog items.

30. The system as in Claim 24, wherein the server system automatically compares queries submitted by the same user to identify query resubmission events, and uses the query resubmission events to automatically create and/or suggest categories for users.

31. The system as in Claim 24, wherein the user interface provides an option for a user to specify a display order for displaying a personal set of user-defined categories.

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32. A computer-implemented method of facilitating browsing of an electronic repository of items, the method comprising:

maintaining a history of search queries submitted by a user to search the electronic repository of items;

analyzing the history of search queries to identify a search query that has been submitted multiple times by the user; and

in response to identifying the search query, creating for the user, or providing to the user an option to create, a persistent link that is selectable by the user to view a current set of items within the repository that match the search query.

33. The method of Claim 32, further comprising prompting the user to assign a name to the search query, and displaying the name in conjunction with the persistent link.

34. The method of Claim 32, further comprising displaying, in conjunction with the persistent link, a numerical value indicating a current number of items that match the search query.

35. The method of Claim 32, wherein the step of analyzing the history of search queries comprises comparing search queries on a term-by-term basis to locate search queries that are substantially identical.

36. The method of Claim 32, further comprising including the persistent link within a personal categories page in which the persistent link serves as one of a plurality of item categories that are selectable to browse the electronic repository.

37. The method of Claim 32, wherein the persistent link is created for the user automatically in response to identifying the search query that has been submitted multiple times.

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EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None